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**JUL 07 2005**

248 2239522 P.04/30

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In Re Application of:

Neil E. Robb et al.

Serial No.: 10/604,929

Group Art Unit: 3747

Filed: August 27, 2003

Examiner: Noah P. Kamen

For: HYDRAULIC FAN DRIVE SYSTEM EMPLOYING  
BINARY CONTROL STRATEGY

Attorney Docket No.: DKT 02183 (BWA 0251 PUS)

I hereby certify that this correspondence is being sent via facsimile to: Attn: Noah P. Kamen, Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 fax number (703) 872-9306 on:

July 7, 2005  
Date of Deposit

Angie Moscowitz

  
Signature

**AMENDMENT AND REQUEST FOR RECONSIDERATION**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This paper responds to the Office Action in the above-entitled application, mailed May 10, 2005 and allowing two months for response.

The Applicants will address all the points raised by the Examiner and demonstrate that the present invention is patentable.

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PTO/SB/21 (09-04)

Approved for use through 07/31/2008. OMB 0851-0031

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

30

Application Number

10/604,929

Filing Date

August 27, 2003

First Named Inventor

Neil E. Robb, et al.

Art Unit

3747

Examiner Name

Noah P. Kamen

Attorney Docket Number

DKT 02183 (BWA 0251 PUS)

**ENCLOSURES (Check all that apply)**

- Fee Transmittal Form  
 Fee Attached  
 Amendment/Reply  
 After Final  
 Affidavits/declaration(s)  
 Extension of Time Request  
 Express Abandonment Request  
 Information Disclosure Statement  
 Certified Copy of Priority Document(s)  
 Reply to Missing Parts/ Incomplete Application  
 Reply to Missing Parts under 37 CFR 1.52 or 1.53

- Drawing(s)  
 Licensing-related Papers  
 Petition  
 Petition to Convert to a Provisional Application  
 Power of Attorney, Revocation  
 Change of Correspondence Address  
 Terminal Disclaimer  
 Request for Refund  
 CD, Number of CD(s) \_\_\_\_\_  
 Landscape Table on CD

Remarks

- After Allowance Communication to TC  
 Appeal Communication to Board of Appeals and Interferences  
 Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)  
 Proprietary Information  
 Status Letter  
 Other Enclosure(s) (please identify below):  
 Disclosure Statement; 1 foreign reference

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**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**Firm Name  
Artz & Artz, P.C.

Signature

Printed name  
Steven W. HaysDate  
July 7, 2005Reg. No.  
41,823**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature

Typed or printed name  
Angie MoscowitzDate  
July 7, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/17 (12-04)

Approved for use through 07/31/2008. OMB 0651-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Effective on 12/08/2004.  
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).**FEE TRANSMITTAL  
For FY 2005** Applicant claims small entity status. See 37 CFR 1.27TOTAL AMOUNT OF PAYMENT (\$)  
**180.00****Complete if Known**

|                      |                                  |
|----------------------|----------------------------------|
| Application Number   | <b>10/604,929</b>                |
| Filing Date          | <b>August 27, 2003</b>           |
| First Named Inventor | <b>Neil E. Robb, et al.</b>      |
| Examiner Name        | <b>Noah P. Kamen</b>             |
| Art Unit             | <b>3747</b>                      |
| Attorney Docket No.  | <b>DKT 02183 (BWA 0261 PLUS)</b> |

**METHOD OF PAYMENT (check all that apply)**

Check  Credit Card  Money Order  None  Other (please identify): \_\_\_\_\_

Deposit Account Deposit Account Number: **50-0476** Deposit Account Name: **John A. Artz, P.C.**

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

Charge fee(s) indicated below  Charge fee(s) indicated below, except for the filing fee

Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17  Credit any overpayments

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**FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

| <u>Application Type</u> | <u>FILING FEES</u> |                     | <u>SEARCH FEES</u> |                     | <u>EXAMINATION FEES</u> |                     | <u>Fees Paid (\$)</u> |
|-------------------------|--------------------|---------------------|--------------------|---------------------|-------------------------|---------------------|-----------------------|
|                         | <u>Fee (\$)</u>    | <u>Small Entity</u> | <u>Fee (\$)</u>    | <u>Small Entity</u> | <u>Fee (\$)</u>         | <u>Small Entity</u> |                       |
| Utility                 | 300                | 150                 | 500                | 250                 | 200                     | 100                 | _____                 |
| Design                  | 200                | 100                 | 100                | 50                  | 130                     | 65                  | _____                 |
| Plant                   | 200                | 100                 | 300                | 150                 | 160                     | 80                  | _____                 |
| Reissue                 | 300                | 150                 | 500                | 250                 | 600                     | 300                 | _____                 |
| Provisional             | 200                | 100                 | 0                  | 0                   | 0                       | 0                   | _____                 |

**2. EXCESS CLAIM FEES**

| <u>Fee Description</u>  | <u>Small Entity</u> |
|---|---------------------|
| Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent            | 50 25               |
| Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent | 200 100             |
| Multiple dependent claims   | 360 180             |

| <u>Total Claims</u> | <u>Extra Claims</u> | <u>Fee (\$)</u> | <u>Fee Paid (\$)</u> | <u>Multiple Dependent Claims</u> | <u>Fee (\$)</u> | <u>Fee Paid (\$)</u> |
|---------------------|---------------------|-----------------|----------------------|----------------------------------|-----------------|----------------------|
| - 20 or HP =        | x                   | =               |                      |                                  |                 |                      |

HP = highest number of total claims paid for, if greater than 20

| <u>Indep. Claims</u> | <u>Extra Claims</u> | <u>Fee (\$)</u> | <u>Fee Paid (\$)</u> | <u>Fee (\$)</u> | <u>Fee Paid (\$)</u> |
|----------------------|---------------------|-----------------|----------------------|-----------------|----------------------|
| - 3 or HP =          | x                   | =               |                      |                 |                      |

HP = highest number of independent claims paid for, if greater than 3

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

| <u>Total Sheets</u> | <u>Extra Sheets</u> | <u>Number of each additional 50 or fraction thereof</u> | <u>Fee (\$)</u> | <u>Fee Paid (\$)</u> |
|---------------------|---------------------|---|-----------------|----------------------|
| - 100 =             | / 50 =              | (round up to a whole number) x                          | =               |                      |

**4. OTHER FEE(S)**

Non-English Specification, \$130 fee (no small entity discount)

Other: IDS Disclosure Fee

\$180.00

**SUBMITTED BY**

|                   |                       |   |                        |
|-------------------|-----------------------|---|------------------------|
| Signature         | <u>Steven W. Hays</u> | Registration No. 41,823<br>(Attorney/Agent) | Telephone 248-223-9500 |
| Name (Print/Type) | Steven W. Hays        |   | Date July 7, 2005      |

This collection of information is required by 37 CFR 1.138. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO-85B/17 (Rev. 04)

Approved for use through 07/31/2006. OMB 0651-0032

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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Effective on 12/08/2004.

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

## FEE TRANSMITTAL For FY 2005

 Applicant claims small entity status. See 37 CFR 1.27TOTAL AMOUNT OF PAYMENT (\$)  
**180.00**

Complete If Known

|                      |                          |
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| Application Number   | 10/604,929               |
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| Art Unit             | 3747                     |
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## FEE CALCULATION

## 1. BASIC FILING, SEARCH, AND EXAMINATION FEES

| Application Type | FILING FEES |                       | SEARCH FEES |                       | EXAMINATION FEES |                       | Fee Paid (\$) |
|------------------|-------------|-----------------------|-------------|-----------------------|------------------|-----------------------|---------------|
|                  | Fee (\$)    | Small Entity Fee (\$) | Fee (\$)    | Small Entity Fee (\$) | Fee (\$)         | Small Entity Fee (\$) |               |
| Utility          | 300         | 150                   | 500         | 250                   | 200              | 100                   |               |
| Design           | 200         | 100                   | 100         | 50                    | 130              | 65                    |               |
| Plant            | 200         | 100                   | 300         | 150                   | 160              | 80                    |               |
| Reissue          | 300         | 150                   | 500         | 250                   | 600              | 300                   |               |
| Provisional      | 200         | 100                   | 0           | 0                     | 0                | 0                     |               |

## 2. EXCESS CLAIM FEES

## Fee Description

Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent

50 25

Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent

200 100

Multiple dependent claims

360 180

## Total Claims

## Extra Claims

## Fee (\$)

## Fee Paid (\$)

## Multiple Dependent Claims

## Fee (\$)

## Fee Paid (\$)

- 20 or HP = \_\_\_\_\_ x \_\_\_\_\_ = \_\_\_\_\_

HP = highest number of total claims paid for, if greater than 20

## Indep. Claims

## Extra Claims

## Fee (\$)

## Fee Paid (\$)

- 3 or HP = \_\_\_\_\_ x \_\_\_\_\_ = \_\_\_\_\_

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|              |              |  |          |               |
|--------------|--------------|--|----------|---------------|
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Other: IDS Disclosure Fee

\$180.00

## SUBMITTED BY

Signature

Registration No. 41,823  
(Attorney/Agent)

Telephone 248-223-9500

Name (Print/Type) Steven W. Hays

Date July 7, 2005

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